

Notice of Allowability

Application No.

10/808,545

Applicant(s)

ICHIMURA ET AL.

Examiner

Art Unit

Timothy J. Kugel

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 13 July 2006.
2. ☒ The allowed claim(s) is/are 4,6-9,11-14,16,18 and 19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Claims 4, 6-9 11-14, 16, 18 and 19 are pending as amended on 13 July 2006, claims 1-3, 5, 10, 15 and 17 being cancelled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

3. Applicant's cancellation of claims 1-3 has rendered the rejections made in the previous Office action moot; therefore, they have been withdrawn.

The rejection of claims 1-3 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,596,071 (Hayashi '071 hereinafter) has been withdrawn.

The rejection of claims 1-3 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,737,211 (Hayashi '221 hereinafter) has been withdrawn.

The rejection of claims 1-3 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7, 18 and 19 of U.S. Patent No. 6,623,557 (Hayashi '557 hereinafter) has been withdrawn.

The provisional rejection of claims 1-3 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/253,906 has been withdrawn.

The rejection of claims 1-3 under 35 U.S.C. 102(b) as being anticipated by European Patent EP1270686, as exemplified by US Patent 6,596,071 (Hayashi '071 hereinafter), has been withdrawn.

The rejection of claims 1-3 under 35 U.S.C. 102(b) as being anticipated by European Patent EP1253477, as exemplified by US Patent 6,737,211 (Hayashi '211 hereinafter) has been withdrawn.

The rejection of claims 1-3 under 35 U.S.C. 102(b) as being anticipated by US Patent Application 2002/0069790 (Hayashi '790 hereinafter) has been withdrawn.

The rejection of claims 1-3 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over European Patent EP1264866, as exemplified by US Patent 6,623,557 (Hayashi '557 hereinafter), has been withdrawn.

The rejection of claims 1-3 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US Patent Application Publication US 2003/0116758 (Morii hereinafter) has been withdrawn.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arthur Crawford on 31 August 2006.

The application has been amended as follows:

In the claims:

1. -3. (Canceled)

4. (Previously Presented) A transparent coloring composition according to claim 18, wherein the amount of organic pigment adhered onto the surface of the respective fine white inorganic particles is 1 to 500 parts by weight based on 100 parts by weight of the fine white particles.

5. (Canceled)

6. (Currently Amended) A transparent coloring composition according to claim 5 18, wherein the organic-inorganic composite pigment dispersed in the transparent coloring composition has a dispersion particle diameter (~~Dd₈₄~~) Dd₈₄ of not more than 600 nm and a geometrical standard deviation (~~Dd₈₄/Dd₅₀~~) Dd₈₄/Dd₅₀ of the dispersion particle diameter (~~Dd₈₄~~) Dd₈₄ to the dispersion average particle diameter (~~Dd₅₀~~) Dd₅₀ of not more than 3.00.

7. (Currently Amended) A transparent coloring composition according to claim 18, wherein the organic-inorganic composite pigment has a volume-average particle diameter (~~Dp₅₀~~) Dp₅₀ of not more than 5.00 μm, and a volume maximum particle diameter (~~Dp₉₉~~) Dp₉₉ of not more than 12.00 μm.

8. (Previously Presented) A transparent coloring composition according to claim 18, further comprising a transparent resin containing at least one acid group and/or latent acid group.

9. (Original) A transparent coloring composition according to claim 8, wherein the amount of transparent resin having at least one acid group and/or latent acid group contained in the composition is 5 to 500 parts by weight based on 100 parts by weight of the organic-inorganic composite pigment.

10. (Canceled)

11. (Currently Amended) A transparent coloring composition according to claim ~~40~~ 8, wherein the organic-inorganic composite pigment dispersed in the transparent coloring composition has a dispersion particle diameter (~~Dd₈₄~~) Dd₈₄ of not more than 600 nm and a geometrical standard deviation (~~Dd₈₄/Dd₅₀~~) Dd₈₄/Dd₅₀ of the dispersion particle diameter (~~Dd₈₄~~) Dd₈₄ to the dispersion average particle diameter (~~Dd₅₀~~) Dd₅₀ of not more than 3.00.

12. (Original) A transparent coloring composition according to claim 8, further comprising a photo-radical polymerization initiator, and a polyfunctional monomer having two or more ethylenically unsaturated double bonds.

13. (Original) A transparent coloring composition according to claim 12, wherein the amount of polyfunctional monomer is 5 to 300 parts by weight based on 100 parts by weight of the transparent resin.

14. (Original) A transparent coloring composition according to claim 8, further comprising a photo-acid generator.

15. (Canceled)

16. (Currently Amended) A transparent coloring composition according to claim ~~45~~ 12 or 14, wherein the organic-inorganic composite pigment dispersed in the

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transparent coloring composition has a dispersion particle diameter (~~Dd₈₄~~) Dd₈₄ of not more than 600 nm and a geometrical standard deviation (~~Dd₈₄/Dd₅₀~~) Dd₈₄/Dd₅₀ of the dispersion particle diameter (~~Dd₈₄~~) Dd₈₄ to the dispersion average particle diameter (~~Dd₅₀~~) Dd₅₀ of not more than 3.00.

17. (Canceled)

18. (Currently Amended) A transparent color composition comprising:

an inorganic-organic composite pigment comprising fine white inorganic particles and an organic pigment adhered to the surface of the respective fine white inorganic particles, in which the primary particles of said composite pigment have an average particle diameter of 1 to 100 nm, and

a solvent,

wherein the organic-inorganic pigment is dispersed in the ~~transparent coloring composition~~ solvent and has a dispersion average particle diameter (~~Dd₅₀~~) Dd₅₀ of not more than 300 nm and a dispersion maximum particle diameter (~~Dd₉₉~~) Dd₉₉ of not more than 1,000 nm.

19. (Currently Amended) A transparent color composition comprising:

an inorganic-organic composite pigment comprising fine white inorganic particles, a surface modifier layer formed on the surface of the respective fine white inorganic particles and an organic pigment adhered to the surface of the surface modifier layer, in which the primary particles of said composite pigment have an average particle diameter of 1 to 100 nm, and

a solvent,

wherein the organic-inorganic pigment is dispersed in the ~~transparent coloring composition~~ solvent and has a dispersion average particle diameter (~~Dd₅₀~~) Dd₅₀ of not more than 300 nm and a dispersion maximum particle diameter (~~Dd₉₉~~) Dd₉₉ of not more than 1,000 nm.

Allowable Subject Matter

5. Claims 4, 6-9 11-14, 16, 18 and 19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Hayashi '071, Hayashi '211, Hayashi '790, Hayashi '557 and Morii, the closest prior art, fail to disclose or fairly suggest organic-inorganic pigment particles with a particle size distribution such that the organic-inorganic composite pigment has a dispersion average particle diameter Dd₅₀ of not more than 300 nm and a dispersion maximum particle diameter Dd₉₉ of not more than 1,000 nm.

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday-Thursday.

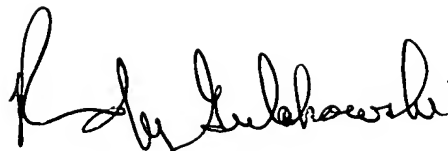
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Randy Gulakowski". The signature is fluid and cursive, with the first name "Randy" and last name "Gulakowski" clearly distinguishable.

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700